

REMARKS

The Office Action mailed June 15, 2004, has been reviewed, and the Examiner's comments have been carefully considered. Claims 1, 2, 4, and 10-16 have been amended. In view of the foregoing amendments and the reasons that follow, claims 1-18 are pending and are submitted for reconsideration.

Allowable Subject Matter

Applicants appreciate the allowance of claims 17 and 18 and the indication that claims 2-13, 15, and 16 contain allowable subject matter. Claims 2, 4, 10-13, 15, and 16 have been rewritten in independent form including the subject matter of the base claim and any intervening claims. In view of the foregoing amendments, Applicants submit that independent claims 2, 4, 10-13, 15, and 16 are in condition for allowance. Claims 3 and 5-9 depend from claims 2 or 4 and are believed to be *prima facie* allowable therewith without regard to further patentable subject matter contained therein.

In sum, Applicants respectfully request that the Examiner allow claims 2-13 and 15-18, all of which are directed to subject matter that the PTO has indicated to be patentable.

35 U.S.C. § 102 Rejections

Claims 1 and 14 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,811,231 (Hataoka). The rejections should be withdrawn because the cited reference fails to disclose, teach, or suggest all the features of the claimed invention.

For example, Hataoka does not disclose "a connection passage connecting an upstream end portion of the second passage section, which is a portion downstream of the gas motion control valve, to the first passage section" as recited in claim 1 as amended. In contrast, Hataoka discloses an intake passage 5 that "is bifurcated into a primary intake passage 5a and a secondary intake passage 5b by a partition wall 18." (Hataoka at col. 3, lines 15-18.) As shown in Fig. 2, the intake passage 5 is bifurcated into the primary and secondary passages 5a and 5b at a location that is upstream from a swirl control valve 19. Thus, the portion of the secondary passage 5b that is connected to the primary passage 5a is located upstream from the control valve 19. As a result, the connecting passage of Hataoka

does not connect "an upstream end portion of the second passage section, which is a portion downstream of the gas motion control valve, to the first passage section" as called for in claim 1. For at least this reason, Hataoka does not anticipate the claimed invention.

Reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

Claim 14 depends from claim 1 and is allowable therewith without regard to further patentable subject matter contained therein. Reconsideration and withdrawal of the rejection of claim 14 are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants believe that the application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. If there are any questions regarding the prosecution of this application, the Examiner is invited to contact the undersigned attorney at the phone number listed below.

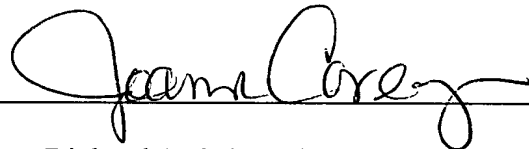
Date

11/12/04

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Respectfully submitted,

By



Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479

Joann K. Corey
Attorney for Applicant
Registration No. 52,769

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